

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

TONIA R. LAFORGE

v.

ANGELINA COUNTY, TEXAS AND
BILLIE PAGE

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CASE NO. 9:20-CV-72-RC-ZJH
CAB

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION**

The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration. On August 31, 2020, Judge Hawthorn issued a Report and Recommendation in which he recommended that the Court grant the Defendants' Motion to Dismiss the Section 1983/First Amendment Claim Against Page and the Section 1983 Claim Against Angelina County and remand the Texas Whistleblower's Act claim to state court, but allow the Plaintiff to be given an opportunity to amend her complaint. (Doc. #18). To date, the parties have not filed objections to the report. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court conducted a *de novo* review of the magistrate judge's report and the record in this cause. The Court agrees with Judge Hawthorn's recommended disposition.

The Court therefore **ORDERS** that the Report and Recommendation (Doc. #18) is **ACCEPTED**. The Defendants' Motion to Dismiss (Doc. #6) is **DENIED** at this time, subject to the Plaintiff amending her complaint to cure its deficiencies as recommended by Judge Hawthorn.

The Plaintiff is afforded leave to file an amended complaint within ten (10) days of this order to correct the deficiencies in her case. Pursuant to the magistrate judge's recommendation, the Court will dismiss the Section 1983/First Amendment Claim Against Page and the Section 1983 Claim Against Angelina County and remand the Texas Whistleblower's Act claim to state court if the Plaintiff fails to correct those deficiencies.

So ORDERED and SIGNED, Sep 16, 2020.

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark
Senior Judge